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U.S. Department of Justice

United States Attorney Southern District of New York

The Silvio J. Mollo Building One Saint Andrew's Plaza New York, New York 10007

July 29, 2020

Bv ECF

The Honorable Gregory H. Woods United States District Judge Southern District of New York 500 Pearl Street, Courtroom 14C New York, New York 10007

Re: United States v. Ethan Phelan Melzer, 20 Cr. 314 (GHW)

Dear Judge Woods:

The parties write jointly to apprise the Court of the status of the defendant's requests for records and papers used in connection with the constitution of the Master and Qualified Jury Wheels in the United States District Court for the Southern District of New York. The defendant's requests are set forth in the defendant's letter motion filed on June 29, 2020 (Dkt. No. 12), attached hereto as Exhibit A.

As the Court is aware, the defendant's requests are substantially identical to those made made in other cases in this District. See, e.g., United States v. Balde, No. 20 Cr. 281 (KPF); United States v. Williams, No. 20 Cr. 286 (WHP); United States v. Henry, No. 20 Cr. 293 (LJL). On June 30, 2020, pursuant to an order issued by Judge Failla, who is presiding over the Balde case, the Government and defense counsel involved in the affected cases, including this one, participated in a conference call with this District's Jury Administrator. After the call, the Government and the Federal Defenders of New York (the "Federal Defenders"), who are defense counsel in the Balde case and who also represent the defendant in this matter, agreed to meet and confer about any outstanding issues and submit a proposal to Judge Failla by July 14, 2020.

On July 14, 2020, the Government submitted a letter to Judge Failla that outlined the areas of agreement between the Government and the Federal Defenders and the remaining open disputes. On July 16, 2020, Judge Failla issued an order resolving those disputes and ordering the disclosure of certain jury records in the possession of the Jury Administrator. *See* Exhibit B. The Government understands that the Jury Administrator and her staff are preparing these records for disclosure. Based on the resolution in *Balde*, the defendant is satisfied that Judge Failla's order resolved Requests 1-22 in its motion thereby obviating the need for further litigation before this Court with respect to those requests at this time.

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The only outstanding issue not addressed in *Balde* is Request 23, which seeks the "attendance record and reason for absence by date for each grand juror." *See* Defendant's Motion, Exhibit A at 4. The parties are not requesting a ruling on Request 23 at this time. Rather, we request that the Court defer ruling on this matter until the defendant is able to review the records produced by the Jury Administrator. Once the defendant is able to review these materials, he will alert the Court as to whether he is still seeking the materials at issue in Request 23.

Respectfully submitted,

AUDREY STRAUSS
Acting United States Attorney

by: ____/s/___

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cc: Defense Counsel (by ECF)